
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

DEMETRIUS SHERMAN JOSEPH, SR.,

Plaintiff,

*versus*WILLIAM R. JEFFERSON, JR., *et al.*,

Defendants.

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CIVIL ACTION NO. 1:20-CV-250

**ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORTS AND RECOMMENDATIONS**

Plaintiff Demetrius Sherman Joseph, Sr., a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forms pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against William R. Jefferson, Jr., Christopher A. Wood, Mark A. Callahan, Francisco Garcia, and Brandon Howard.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On August 1, 2023, the magistrate judge recommended dismissing Defendant Jefferson from this action pursuant to Federal Rule of Civil Procedure 4, unless Plaintiff provided an address where the defendant could be served or showed good cause for failing to serve the defendants. On August 2, 2023, the magistrate judge recommended granting Defendants' motion for summary judgment except with respect to excessive force claims against Defendants Jefferson and Callahan. The magistrate judge also recommended dismissing the excessive force claims against Defendant

Callahan pursuant to 28 U.S.C. § 1915(e) for failure to state a claim. To date, the parties have not filed objections to the reports.

The court received and considered the Reports and Recommendations of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Reports and Recommendations of United States Magistrate Judge (#20 and #21) are **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED at Beaumont, Texas, this 20th day of September, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE